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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,049	04/03/2001	Pascal Agin	Q63748	9277

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EXAMINER

PERSINO, RAYMOND B

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/824,049	<b>Applicant(s)</b> AGIN, PASCAL	
	<b>Examiner</b> Raymond B. Persino	<b>Art Unit</b> 2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11, 12 and 14-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9, 11, 12, 14-19 and 21-26 is/are allowed.
- 6) ☒ Claim(s) 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by ST-PIERRE (US 5,883,888 A).

Regarding claim 20, ST-PIERRE discloses a mobile radio network entity comprising: means for receiving an adjustment command information generated at the network based on an adjustment request information received from a mobile station; and means for adjusting transmit times at the network based on said received adjustment command information (column 6 lines 10-13).

3. Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by TEDER et al (US 5,828,659 A).

Regarding claim 20, TEDER et al discloses a mobile radio network entity comprising: means for receiving an adjustment command information generated at the network based on an adjustment request information received from a mobile station; and means for adjusting transmit times at the network based on said received adjustment command information (column 8 lines 1-16).

Art Unit: 2682

4. Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by MUSZYNSKI (US 5, 722,074 A).

Regarding claim 20, MUSZYNSKI discloses a mobile radio network entity comprising: means for receiving an adjustment command information generated at the network based on an adjustment request information received from a mobile station; and means for adjusting transmit times at the network based on said received adjustment command information (column 4 line 43 to column 5 line 34).

***Allowable Subject Matter***

5. Claims 1-9, 11, 12, 14-19 and 21-26 are allowed.
6. The following is a statement of reasons for the indication of allowable subject matter:

The applicant's inventions of claims 1, 11 and 12 include the subject matter of generating at a mobile station an adjustment command for adjusting transmit times at the radio interface between a network and at least one mobile station; and performing adjustments of the transmit times at the mobile station based on said adjustment command, wherein the adjustment command is controlled based on adjustment control information received from the network so that adjustments performed by the mobile station are controlled by said network. The examiner found persuasive the applicant's arguments, filed on 3/24/2004, in which the applicant distinguishes the inventions of claims 1, 11 and 12 from the prior art cited in the office action mailed 12/22/2003. Other close prior art includes HUI et al (US 6,470,057 B1) and DUPUY (US 5,711,003 A).

Art Unit: 2682

Both of those references disclose generating at a mobile station an adjustment command for adjusting transmit times at the radio interface between a network and at least one mobile station; and performing adjustments of the transmit times at the mobile station based on said adjustment command. However, neither reference discloses that the adjustment command is generated based on adjustment control information received from the network so that adjustments performed by the mobile station are controlled by said network. Lastly, no new prior art has been discovered that would anticipate or render obvious the inventions of claims 1, 11 and 12. Therefore the applicant's inventions of claims 1, 11 and 12, when considered as a whole, comprise a unique combination of subject matter that is neither taught nor suggested by the prior art.

### ***Conclusion***


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond B. Persino whose telephone number is (571) 272-7856. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2682

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RP



NICK CORSARO  
PRIMARY EXAMINER

Raymond B. Persino  
Examiner  
Art Unit 2682

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